

**LICENSES AND CONSUMER SERVICES
LICENSE INSPECTOR'S REPORT**

License Number: L188 50120

Police File Number: 13234

Date of Application: 3/7/12

Inspector: Craig Eliason

Applicant/Legal Entity: The After Midnight Group VII, LLC

DBA/Trade Name: Cowboy Jacks

Complete Address: 126 5th Street North

License Requested: On-Sale Liquor with Sunday Sales, Class A

Current License Type: N/A

Responsible person within 75 miles of Minneapolis City Hall: Brian Asmus

Public Hearing Requirement: Required

License Conditions: None

Neighborhood/Ward: Downtown West / 7

Zoning: B4S-1—This is a permitted use in the Downtown Business District

7 acre requirement: N/A

Off-Street Parking: No parking requirement

Churches or schools within 300 feet of the proposed premises: N/A

Seating: Inside: 216 Outside: 177

Fire Occupancy: Inside: TBD Outside: TBD

Food Service Requirement: The applicant meets the minimum food service requirement.

Hours of operation proposed: Inside: 11:00 AM-2:00 AM Monday through Sunday
Outside: Same

Metropolitan Council Service Availability Charges: 9 SAC Units

HISTORY OF LOCATION

This is a newly-constructed building. Therefore, the premises has not been previously licensed.

APPLICANT

The applicant is The After Midnight Group VII, LLC, a Minnesota corporation formed on November 4, 2011 under Chapter 322B (File Number 451277100029), having the required restriction on the transfer of stock and having the following stockholders and officers:

<u>Name</u>	<u>Title</u>	<u>Shares</u>
Chris Diebold	President	33.3%
Brian Asmus	Vice-President	33.3%
Anne Loff	Secretary/Treasurer	33.3%

MANAGER

The manager of Cowboy Jacks will be Brian Asmus. Mr. Asmus has worked in the alcohol service industry since 1999 and has passed the criminal background check.

POLICE REVIEW

Police Licensing and this Inspector have reviewed the expenses and source of funds reported in this application. The applicant has provided documentation showing adequate legal and traceable funding for this venture and has passed the criminal background check. The applicant has also discussed this application with the First Precinct of the Minneapolis Police Department.

PREMISES

The lease shows exclusive use of premises by applicant. The space contains approximately 10,200 square feet on the 1st floor, mezzanine and rooftop of the building located at 126 5th Street North. The licensed premises space is compact and contiguous. There is seating for 190 people on the 1st floor and mezzanine at tables and chairs and in booths. There is also a bar on the 1st floor that seats 26 people, bringing the total available seating to 216. The rooftop patio will provide 157 seats for patrons at tables and chairs and in booths. A rooftop bar with 20 seats will be present, bringing the total number of available seats on the rooftop to 177. As of this date, the Fire Department has not calculated the occupant loads for the 1st floor, mezzanine or the rooftop patio.

BUSINESS PLAN/OPERATIONS

The applicant indicates that Cowboy Jacks will be open 11:00 AM to 2:00 AM seven days a week. It may open earlier on Minnesota Twins home games. Rooftop patio hours are weather permitting. The restaurant will serve a variety of appetizers, salads, soups, entrees, desserts and beverages. The applicant is applying for a Class A license, which allows entertainment in the form of live music and singing without limitation as to the number of musicians, singers, or the type of amplification. Dancing and singing by patrons and a disc jockey are permitted. The applicant indicates it plans to offer prerecorded music. Occasional live music may be offered indoors only. All employees will be required to undergo alcohol compliance training annually offered by Loss Control Services. It is Cowboy Jacks policy to card all patrons who appear to be under the age of 40. The applicant's business plan indicates that outside speakers will be positioned towards the building and all the volume level will be turned down at 11:00 PM. All patrons will be given a last call 20 minutes before closing time. Lights will be turned on and music will be turned off 10 minutes before closing time. All guests will be reminded as they leave to be respectful. Any guests that need help

or escorts to a car or cab will be handled by security staff. All staff is expected to fully understand the noise policy and their role in complying with it. All excessive noise or noise complaints will be resolved promptly by researching the source of the noise and working to reduce all future noise issues. To ensure that noise is minimized the applicant will utilize the City of Minneapolis Environmental Services to ensure that noise issues will be kept to a minimum.

The applicant indicates that at the present time it has no intent to offer charitable gambling activities or sponsor competitive sports teams.

PUBLIC HEARING SUMMARY

Eight notices were mailed to property owners and residents within 300 feet of the main door of the establishment on March 20, 2012. The public hearing is scheduled before the Regulatory, Energy & Environment Committee on April 2, 2012 at 1:30 PM in Room 317 City Hall.

RECOMMENDATION

The Licenses and Consumer Services Division recommends approving this application for an On-Sale Liquor with Sunday Sales, Class A License.

LICENSE CONDITIONS

There are no license conditions being placed on this license at this time.